



DERBY CITY COUNCIL

GENERAL LICENSING COMMITTEE
13 October 2010

Report of the Strategic Director of
Neighbourhoods

ITEM

**RECOMMENDATIONS OF CROSS PARTY WORKING GROUP -
FOLLOWING REVIEW OF LICENSING POLICY**

SUMMARY

- 1.1 Derby City Council is the designated Licensing Authority under the Licensing Act 2003 and is required to revise and publish their Licensing Policy which they apply when exercising their functions under the Act at least once every three years.
- 1.2 Before the revised document can be re-published it must be subject to a full consultation process.
- 1.3 Consultation commenced in June 2010 and ended in September 2010 and followed the procedures previously adopted when the Licensing Policy was last revised. This included a cross party working group considering the comments received during the consultation period and making recommendations.
- 1.4 This report provides details of the consultation and the recommendations of the Cross Party Working Group.

RECOMMENDATION

- 2.1 To accept the recommendations/comments of the Cross Party Working Group
- 2.2 To endorse the Licensing Policy

REASONS FOR RECOMMENDATION

- 3.1 The revised Licensing Policy needs to be approved by General Licensing Committee.
- 3.2 The Licensing Policy requires full approval by Council on January 19 2011.
- 3.3 The revised Licensing Policy needs to be published by the end of January 2011.

SUPPORTING INFORMATION

- 4.1 The proposed revised Licensing Policy is attached at Appendix 2. The revisions have been highlighted for your information.
- 4.2 The proposed revisions to the Licensing Policy were sent out for consultation in June 2010. Policy packs were sent to all Responsible Authorities and access to them was available from Derby City Council's web site, the Central Library, the Council House and Celtic House reception.
- 4.3 813 letters and information were sent to Premises Licence holders, 1850 letters and information were sent to Personal Licence holders and 57 letters and information were sent to pub companies and solicitors etc. There were 34 policy packs sent out.
- 4.4 11 responses to the consultation were received at the details of those can be found in Appendix 3.
- 4.5 The responses were considered by the Cross Party Working group on 24 September.
- 4.6 The recommendations of the Cross Party Working Group are found in Appendix 3.

OTHER OPTIONS CONSIDERED

- 5.1 There were no other options available as the process and requirement to revise the Licensing Policy is set out in legislation/guidance from Government and the Home Office.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Olu Idowu Toni Heathcote Nigel Dowey John Tomlinson n/a
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For more information contact: Background papers: List of appendices:	Name Michael Kay 01332 641940 e-mail Michael.kay@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Revised Licensing Policy 2010 Appendix 3 – Responses and Cross Party Working Group Recommendations.
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IMPLICATIONS

Financial

- 1.1 None directly arising

Legal

- 2.1 As set out in the report

Personnel

- 3.1 None directly arising

Equalities Impact

- 4.1 None directly arising

Health and Safety

- 5.1 None directly arising

Carbon commitment

- 6.1 None directly arising

Value for money

- 7.1 None directly arising

Corporate objectives and priorities for change

- 8.1 The Council's Licensing Policy used by the Licensing Committee in determining applications contribute to the Council's objectives of creating a 21st century city centre, making us proud of our neighbourhoods and giving excellent services and values for money.

Appendix 3

Responses to consultation and Cross Party Working Group Recommendations					
Support or object to licensing review	Document Number	Paragraph Number	Comments	Licensing Officers Comments	Cross Party Working Group Recommendations
Strongly Support	LCPD0003	14.1 Enforcement Generic Comments	<p>I applaud this sensible approach and hope the resources are made available for it to be rigorously applied at the highest risk end.</p> <p>It strikes a commendable balance between protection and liberty – as well as recognising the important role licensable activities have in cultural traditions and in helping to bind/build communities. It's enforcement in my experience (!) is measured and fair</p> <p>I agree that the policy will help protect local residents and that it is easy to read. I strongly agree that the policy will help the development of culture in the city</p>	Noted	Noted
Strongly Support	LPCD0008	Generic Comments	The policy will help protect local residents. I disagree that the policy will help the development of culture in the city and it will help to encourage a wider choice of entertainment across the city.	These generic comments do not relate to the review of the licensing policy but appear to relate to differences between the Premises Licence holder and the Designated Premises Supervisor	Noted. Not relevant to Licensing Policy review.
Strongly Support	LPCD0002	Generic Comments	I strongly agree that that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment across the city, the policy will help to development of culture in the city, the policy is easy to read and is easy to understand.	Noted	Noted
Strongly Support	LPCD0001	Generic Comments	I strongly agree that that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment	Noted	Noted

			across the city, the policy will help to development of culture in the city, the policy is easy to read and is easy to understand.		
Support with concerns	LPCD0004	Generic comments	I agree that the policy will help to protect local residents, the policy will help to development of culture in the city, and the policy is easy to read and is easy to understand. I neither agree or disagree that the policy will help to encourage a wider choice of entertainment across the city	No comments provided about concerns	Noted.
Strongly Support	LPCD0005	Generic Comments	I strongly agree that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment across the city, the policy will help to development of culture in the city, the policy is easy to read and is easy to understand.	Noted	Noted
Strongly Support	LPCD0006		I strongly agree that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment across the city, the policy will help to development of culture in the city, and the policy is easy to read and is easy to understand.	Noted	Noted
Strongly Support	LPCD0007	Generic Comments	I agree that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment across the city and the policy will help to development of culture in the city. I neither agree nor disagree that the policy is easy to read and is easy to understand.	Noted	Noted
Strongly Support	LPCD0010	Generic Comments	I agree that the policy will help to protect local residents, the policy will help to encourage a wider choice of entertainment across the city and the policy will help to development of culture in the city. I strongly agree that the policy is easy to read and is easy to understand.	Noted	Noted
Strongly Support	LPCD0011	6.2 – 6.12	The policy cannot on its own fulfil the aims of securing the safety and amenities of our communities in the city centre. We therefore recommend that consideration be given to a 'special policy' in the city centre to address the issues associated with the impact of alcohol related crime, nuisance and disorder. Any such	A special policy sits along the licensing policy as a separate policy .It does not replace it. The responsible authority	Noted

			<p>policy will only be effective if it receives the full support from the responsible authorities as well as volunteer groups. Such support should include the commitment of appropriate resources to ensure the policy is adhered to and where necessary enforced.</p> <p>I strongly agree that the policy will help to protect local residents; the policy is easy to read and is easy to understand. I agree that the policy will help to encourage a wider choice of entertainment across the city and the policy will help to development of culture in the city</p>	<p>responsible for crime and disorder i.e. the police. Derbyshire Constabulary are currently undertaking a feasibility exercise in relation to this matter.</p>	
Strongly Support	LPCD0012	Generic Comments	<p>I strongly agree that the policy will help protect local residents and agree that the policy help to develop the culture of the city and the policy is easy to understand</p> <p>As a responsible authority, we understand the need , purpose and limitations of the licensing policy and are happy with its contents</p>	Noted	Noted
Comments highlighted are from responsible authorities					
The cross Party Working Group recommend that their comments are noted and that the revised Licensing policy is endorsed					